REMARKS

Reconsideration and allowance of the captioned patent application are respectfully requested. The referenced patent application relates to piperazine urea derivatives, compositions and methods of treatment, primarily for the treatment of obesity, type 2 diabetes and related conditions.

Claims previously in the application were claims 1-27, 29-32 and 37-40. Claims 2-4, 26, 27 and 40 were cancelled. Claims 1, 5-25, 29-32 and 37-39 are now pending in the case. Where necessary, the claim dependency has been adjusted. Claim 18 was made independent.

The Examiner rejected claims 25, 27 and 40 for non-enablement. Claims 27 and 40 were cancelled rendering this objection moot as to these claims. Applicants respectfully disagree that the rejection is applicable to claim 25. It would appear that claim 26 was intended. Since this claim has been cancelled as well, this rejection is urged to be completely moot..

Claims 1, 5, 8-10, 14-16, 26, 29, 30 and 40 were rejected for anticipation by Gante, et al., DE 19713000 (Gante), Rudolf et al., US Patent No. 6,344,449 (Rudolf), and Morriello et al., US Patent No. 5,721,250 (Morriello) and for obviousness in view of Gante. Claims 1-27, 29-32 and 37-40 were rejected for obviousness over Rudolf and Morriello each taken alone.

Applicants respectfully traverse. Applicants have amended claim 1 to address the rejection by incorporating the language from claim 4 into claim 1. Claim 18 was made an independent claim. Cancellation of claims 2-4, 26, 27 and 40 and the amendment of claim 1 overcome the anticipation rejections and as set forth below and it is urged that the remaining claims are not obvious over the references.

The claimed compounds as amended contain benzyl or a substituted or disubstituted benzyl group (R^1 is selected from the group consisting of 4-chlorobenzyl, 4-fluorobenzyl, 3,4-difluorobenzyl, 3,5-difluorobenzyl, 2-cyano-4-fluorobenzyl and 4-methoxybenzyl). These are not taught or suggested in Gante. While Gante purports to disclose a preference on page 6 for compounds wherein Het is pyridyl and B is selected from eight different generic structures, these are not related to the compounds in the present application

wherein R^1 represents a benzyl or mono- or di- substituted benzyl group. The compounds disclosed are insufficient to render the present claims obvious. Moreover, none of the Gante disclosure would have led one of ordinary skill to make or use compounds of the present invention having a benzyl or mono- or di-substituted benzyl moiety as R^1. Therefore, the present claims are patentable over Gante.

The indications in Gante do not overlap with those of the present application. Most of the indications are cardiovascular or antiarthritic in nature. Ocular disorders are mentioned, among which is diabetic retinopathy. This is completely different from the treatment of "diabetes" per se, focusing on treatment of retinal disease. It is not related to the underlying diabetic pathophysiology.

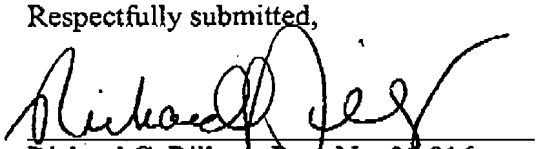
The claims were also rejected for obviousness over Rudolf. This rejection is respectfully traversed. Like Gante, Rudolf does not teach or suggest the compounds of the amended claims since nothing within Rudolf teaches or suggests benzyl or a mono or disubstituted benzyl R^1 group. This taken in conjunction with the completely different mechanisms of action alleged, CGRP-Antagonistic activity as opposed to MC4R agonist activity, would have led the skilled scientist in a completely different direction than that of the presently claimed compounds.

The compounds were also rejected for obviousness over Morriello. This rejection is respectfully traversed. The compounds of the present claims differ structurally from those of Morriello in the substitution on the heterocyclic ring, typically a piperidine ring. Substitution is necessarily at position 3 relative to the heterocyclic ring nitrogen atom.

While R^1 within Morriello may include aralkyl which is substitututed with up to 9 halo atoms, among numerous other possible substituents, the portion of Morriello's genus $-A-NR^4R^5$ is completely different from the presently claimed compounds. The variable A is at a minimum a CH_2 group, and it may be a longer alkylidene moiety up to a 7 membered alkylidene chain. The presently claimed compounds lack this structural feature. These structural differences taken in conjunction with the completely different alleged pharmacological activities (Morriello provides growth hormone secretagogues whereas the present case addresses MC4R agonists) between the reference and the presently claimed compounds renders the present claims non-obvious in view of Morriello.

Based upon the foregoing, it is urged that the claims are patentable over the art. Consequently, reconsideration and allowance are respectfully requested. If the Examiner has any questions regarding the captioned patent application, he is respectfully requested to telephone the undersigned.

Respectfully submitted,

By 

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